



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 1, 1996

Mr. Larry W. Schenk
City Attorney
City of Longview
P.O. Box 1952
Longview, Texas 75606-1952

OR96-1060

Dear Mr. Schenk:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 40496.

The City of Longview (the "city") received a request for a audiotape of a dispatch made to the city's fire department from the requestor. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claimed and have reviewed the audiotape at issue.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 28(e) of article 4413(29bb), V.T.C.S., provides:

(e) Information that is contained in alarm system records held by a governmental body and that concerns the location of an alarm system, the name of the occupant of an alarm system location, or the type of alarm system used is confidential and may be disclosed only to the board or as otherwise required by state law or court order.

However, the references to "alarm systems" in section 28(e) do not apply to fire alarm systems. Although the act does not define the term "alarm systems," an "alarm systems company" is defined as

any person that sells, installs, services, monitors, or responds to burglar alarm signal devices, detection devices, burglar alarms, robbery alarms, television cameras, still cameras, or any other electrical, mechanical, or electronic device used:

(A) to prevent or detect burglary, theft, robbery, shoplifting, pilferage, shrinkage, or other losses of that type;

(B) to prevent or detect intrusion; or

(C) primarily to detect or summon aid for other emergencies.

V.T.C.S. art. 4413(29bb), § 2(5).

An analysis of the history of section 2(5) of article 4413(29bb), V.T.C.S., reveals that references to fire alarm signal devices were deleted by the Sixty-sixth Legislature. Act of May 26, 1979, 66th Leg., R.S., ch. 831, § 2, 1979 Tex. Gen. Laws 2173, 2179.¹ The bill analysis provides that the purpose of the bill was to amend article 5.43-2 of the Insurance Code and to amend section 2 of article 4413(29bb), V.T.C.S., making the act "applicable only to burglar alarm systems, and to exclude fire alarms." HOUSE COMM. ON INS., BILL ANALYSIS, Tex. S.B. 1249, 66th Leg., R.S. (1979). Thus, the provisions of the act apply solely to burglar alarm systems.² Fire alarm systems are regulated by article 5.43-2 of the Insurance Code, which contains no confidentiality provisions that prohibit the disclosure of records relating to fire alarm systems. As this is the only exception the city has raised, the city may not withhold the requested records.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular record at issue

¹Prior to the amendment by the Sixty-sixth Legislature, section 2(5) of article 4413(29bb), V.T.C.S., defined an alarm systems company, in pertinent part, as


any person that sells, installs, services, or responds to alarm signal devices, . . . or electronic device used to prevent or detect burglary, theft, shoplifting, pilferage, *fire*, and other losses.

Act of May 20, 1977, 65th Leg., R.S., ch. 746, § 2, 1977 Tex. Gen. Laws 1871 (emphasis added).

²Section 2 was again amended in 1989. Act of May 26, 1989, 71st Leg., R.S., ch. 294, § 1, 1989 Tex. Gen. Laws 1250. This amendment added subsection (5)(A), (B), and (C) to the definition of "alarm systems company." *Id.* The bill analysis reveals that the purpose of the amendment was to include within the provisions of the act emergency "panic button" type systems which were not always marketed as burglary prevention devices; thus, allowing the board to regulate companies marketing these systems. SENATE JURISPRUDENCE COMM., BILL ANALYSIS, Tex. H.B. 2240, 71st Leg., R.S. (1989).

under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Stacy E. Sallee".

Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/ch

Ref.: ID# 40496

Enclosures: Submitted audiotape

cc: Ms. Leslie Humphries
Central Station Manager
Smith Alarm Systems
P.O. Box 560467
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(w/o enclosures)